



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

JAN 16 2013

Ref: 8ENF-RC

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
USPS Cert. No. 7009-3410-0000-2595-9332

Mueller Industries, Incorporated
c/o Gary C. Wilkerson, General Counsel
8285 Tournament Drive, Suite 150
Memphis, TN 38125

Re: Request For Information Pursuant to Section 104(e) of CERCLA regarding the Upper Animas Mining District, San Juan County, Colorado.

Dear Mr. Wilkerson:

The United States Environmental Protection Agency (EPA) is currently investigating the Upper Animas Mining District (hereinafter referred to as the Site) in San Juan County, Colorado, for possible response actions. The EPA's investigation requires inquiry into the identification, nature, and quantity of materials that have been or are generated, treated, stored or disposed of at, or transported to, the Site; the nature or extent of the release of a hazardous substance or pollutant or contaminant at the Site; extent of ownership and operations at the Site; and information relating to the ability of a person to pay for or to perform a cleanup at the Site.

Pursuant to the authority of Section 104 of the Comprehensive, Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, you are hereby requested to respond to the Information Request set forth in **Enclosure 1**, attached hereto.

Please respond to the Information Request within 45 days. Failure to respond fully and truthfully, or to adequately justify your failure to respond, can result in an enforcement action by the EPA, pursuant to Section 104(e) of CERCLA, and the imposition of penalties of up to \$37,500 per day of non-compliance.

The Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

Your response to the Information Request must be accompanied by a notarized certificate that is signed and dated by the person who is authorized by Mueller Industries, Inc. (Mueller) to respond to the Information Request.

The notarized certificate must state that the response submitted to the EPA is complete and contains all documents and information responsive to the Information Request that are known to Mueller following a complete and thorough review of all information and sources available.

A suggested format for the notarized certificate is included with the Information Request as **Enclosure 2**. The response to the Information Request should be mailed to:

U.S. Environmental Protection Agency
Region 8
Attn: Mike Rudy (8ENF-RC)
1595 Wynkoop Street
Denver, CO 80202-1129

The EPA strongly encourages you to give this matter your immediate attention and respond to the Information Request within the time specified above. If you have any legal or technical questions relating to the Information Request, you may consult with the EPA prior to the deadline specified above. Please direct legal questions to Richard Sisk, Attorney, at (303) 312-6638, and technical questions to Mike Rudy, Enforcement Specialist, at (303) 312-6332.

Thank you for your cooperation in this matter.

Sincerely,



Kelcey Land, Director
RCRA/CERCLA Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Andrea Madigan, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

cc: Ann C. Umphres, U.S. DOI, (w/ enclosure)
Scott Schultz, Colorado Attorney General's Office, (w/ enclosure)
Richard Sisk, 8ENF-L, (w/o enclosure)
Mike Holmes, 8EPR-SR, (w/o enclosure)
Steven Way, 8EPR-SA, (w/o enclosure)
Mike Rudy, 8ENF-RC, (w/o enclosure)
CERCLIS IMC (Dianna Eim), 8EPR-PS, (w/o enclosure)



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ENCLOSURE 1

INFORMATION REQUEST INSTRUCTIONS Upper Animas Mining District Site Request No. 1 - Mueller

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it corresponds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possible confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. § 9604(e)(7)(E) and (F), Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. Section 2.203(b). To prove your claim for confidentiality, you must provide the following information for each document for which confidentiality is claimed:
 - a. the portions of the information claimed to be entitled to confidential treatment;
 - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - c. measures taken by you to guard against the undesired disclosure of the information to others;
 - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
 - e. pertinent confidentiality determinations, if any, by the EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
 - f. whether you assert that disclosure of the information would be likely to result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information, that you intend to continue to do so and that it is not, and has not been, obtainable by legitimate means without your consent. Information covered by such a claim will be disclosed by the EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you.

6. Information which you submit in response to this Information Request may be disclosed to authorized representatives of the United States, pursuant to 40 C.F.R. Section 2.310(h), even if you assert a confidentiality claim. Please be advised that the EPA may disclose all responses to this Information Request to a private enforcement support services contractor employed by the EPA for the purpose of organizing and analyzing the response to this Information Request. If you are submitting information for which you claim to be entitled to treatment as confidential business information, you may comment on this possible disclosure within fourteen days of receiving this Information Request.

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DEFINITIONS
Upper Animas Mining District Site
Request No. 1 - Mueller

The following definitions shall apply to the following words as they appear in this Information Request:

1. The term "you" or "Respondent" shall mean the addressee of this Request, and includes the addressee's officers, managers, employees, contractors, trustees, partners, subsidiaries, affiliates, predecessors, successors, assigns, agents and companies which Respondent may have controlled by stock ownership or joint venture companies.
2. The term "arrangement" means every separate contract or other agreement between two or more persons.
3. The term "the Site" shall, for purposes of this Information Request, mean and include the Upper Animas Mining District described in EPA's Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database as the "Animas watershed above and near Silverton."
4. The term "CERCLA" means the Comprehensive Environmental Liability Response, Compensation and Liability Act, and can be found at Volume 42, United States Code (U.S.C.), Section 9601, et seq.
5. The terms "document" and "documents" shall mean any written, recorded or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts and all non-identical copies.
6. The term "facility" shall have the same definition as in Section 101(9) of CERCLA.
7. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA and includes any mixtures of such hazardous substances with any other substances, including petroleum products.
8. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
9. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
10. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), and the substance or the subject matter.
11. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

12. The term "materials" shall mean all substances that have been generated, treated, stored or disposed of, or otherwise handled at or transported to the Property, including, but not limited to, all hazardous substances, pollutants or contaminants, hazardous wastes and solid wastes, as defined above, and mercury.
13. The term "person" shall have the same definition as in Section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
14. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants or contaminants with any other substances, including petroleum products.
15. The term "property interest" means any interest in property including, but not limited to, any ownership or possessory interest, including an easement or right of way, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of trust that owns or rents, or owned or rented property.
16. The term "ore" shall be interpreted to mean all rocks and minerals (including soils, sands and gravels) which contain but are not limited to gold, silver, lead, zinc, copper, cadmium, chromium, aluminum, iron, molybdenum, arsenic, platinum, uranium, vanadium or radium.
17. The term "ore products" shall be interpreted to mean all intermediate or final products that result from the processing, reprocessing, or refining of ores, as defined above (including any byproducts that result from these activities).
18. The term "RCRA" means the Resource Conservation and Recovery Act, amendments to the Solid Waste Disposal Act, and can be found at volume 42, United States Code (U.S.C.) Section 6901, et seq.
19. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
20. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.
21. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. § 9601, et seq.; RCRA, 42 U.S.C. § 6901, et seq.; or their regulations found at 40 C.F.R. Part 300 and 40 C.F.R. Part 260, et seq., respectively, in which case the statutory or regulatory definitions shall apply.

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GENERAL QUESTIONS
Upper Animas Mining District Site
Request No. 1 - Mueller

1. Identify the person(s) answering these Questions by providing their name, address, fax and telephone number.
2. Identify the person(s) that you wish to receive all further communications from the EPA related to the Site.
3. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
4. For each and every Question contained herein, identify documents consulted, examined, or referred to in the preparation of the answer or that contains information responsive to the Question and provide accurate copies of all such documents.

SITE SPECIFIC QUESTIONS

1. Identify, explain and provide all documents concerning the relationships (i.e., corporate or otherwise) of Mueller Industries, Inc. (Mueller), Sharon Steel Corporation, UV Industries, Inc., United States Smelting Refining and Mining Company (USSRMC), Sunnyside Mining and Milling Company, Sunbank Corporation and the Washington Mining Company. These documents should include all asset & purchase and assumption of liabilities agreements and bankruptcy records. The relationships should be fully explained in detail from the beginning of the relationships to the present.
2. Identify, explain and provide all documents concerning past and present mining related operations and production of Mueller, Sharon Steel Corporation, UV Industries, Inc., USSRMC, Sunnyside Mining and Milling Company, Sunbank Corporation and the Washington Mining Company at the Site.
3. Identify, explain and provide all documents concerning the Washington Mining Company's participation in Alta Bay and San Juan County Mining Ventures. These should include all Site operations, exploration, and production of ore documentation.
4. Identify and provide all documents that refer or relate to any company, partnership, or other business entity, wholly owned or otherwise controlled by Sharon Steel Corporation, UV Industries, Inc., and/or USSRMC, which engaged in or is engaged in mining operations at the Site.
5. Identify and provide all documents that refer or relate to the transfer of any property interest in properties located within the Site between Mueller, USSRMC, Sharon Steel Corporation, UV Industries, Inc., Sunnyside Mining and Milling Company, Sunbank Corporation and the Washington Mining Company
6. Identify and provide all information you have regarding any mining activities at the Site. Include any boring activities, boring logs, mining, milling or smelting activities, ore production records, processing or reprocessing contracts and records of materials produced from milling, mining or

smelting activities at the Site. Provide copies of the mine plans and maps and process flow sheets used, at any and all mines, mills or smelters at the Site.

7. Identify and describe any portion of the Site or assets at the Site owned, operated, leased, mined or explored by the Respondent, and the dates during which the Site was owned, operated, leased, mined or explored, including areas where borings were taken, and provide copies of all documents evidencing or relating to such ownership, operation, or lease, including, but not limited to, purchase and sale agreement, royalty payments, deeds and leases, including mining leases, and gravel and tailings leases.
8. Provide copies of minutes of meetings of Respondent's Corporate Directors for all the years during which the Respondent held assets at or property interests in the Site, whether or not mining took place during those years.
9. Provide a description and copies of all records maintained by the Respondent for operations at the Site, including any records on royalties paid or received from mining activities at the Site.
10. Provide any additional information or documents you may have which may shed light in regard to other owners or operators at the Site, including, but not limited to, the nature of their current or past mining operations and interests at the Site.
11. Identify all other names under which Respondent has conducted operations at the Site, including, but not limited to, the names of corporate predecessors and the names of subsidiary companies (or companies controlled through stock ownership) that may have operated at the Site. Describe the relationship of those parties to Respondent and current corporate status of the entity identified.
12. Describe all releases of any kind into the environment of any hazardous substances, pollutants or contaminants that have occurred or may occur at or from the Site, including but not limited to:
 - a. When such releases occurred;
 - b. How the releases occurred;
 - c. Materials released, including the common name, the chemical name, grade, and chemical composition of the substance and any known impurities or manufacturing contaminants contained therein;
 - d. Amount of each such hazardous substance, pollutant or contaminant released;
 - e. Where such releases occurred;
 - f. A description of any and all activities undertaken in response to each such release; and
 - g. A description of all investigations of the circumstances, nature, extent or location of each such release including the results of any soil, water (ground and surface), or air testing that was undertaken.

13. Provide all technical or analytical information and reports concerning the Site including, but not limited to, data and documents related to soil, water (ground or surface), geology, geohydrology or air quality and any environmental studies conducted on or about the Site.
14. Identify, explain and provide all documents concerning all interactions between Respondent and Todd Hennis, the Colorado Goldfields Corporation, San Juan Corporation and/or Salem Minerals, Inc.
15. Identify, explain and provide all documents concerning all interactions between Respondent and the Gold King Mines Corporation.
16. Identify, explain and provide all documents concerning all interactions between Respondent and Sunnyside Gold Corporation, Echo Bay Mines Ltd., Echo Bay Inc. and/or Kinross Gold Corporation.
17. Identify, explain and provide all documents concerning all interactions between Respondent and the Standard Metals Corporation and/or Standard Uranium Corporation.

End of Enclosure 1

ENCLOSURE 2

NOTARIZED CERTIFICATE

I, _____, having been duly sworn and being of legal age, hereby state:

1. I am the person authorized by Mueller Industries, Inc. to respond to the Environmental Protection Agency's (EPA's) request for information concerning the Upper Animas Mining District Site located in San Juan County, Colorado.
2. I have made a complete and thorough review of all documents, information, and sources relevant to the request.
3. I hereby certify that the attached response to EPA's request is complete and contains all information and documents responsive to the request.

(Signature)

(Name)

(Title)

(SEAL)

Subscribed and sworn to me
this _____ day of _____, 2013.

Notary Public

My Commission Expires _____

My address is _____

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1. Article Addressed to:

Mueller Industries, Incorporated
c/o Gary C. Wilkerson, General
Counsel
8285 Tournament Drive, Ste. 150
Memphis, TN 38125

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Ruth White*☒ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

1/22/13

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

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